

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANTHONY F., by and through his next
friends, EDWARD F. and LISA F.,
LINDA S. AND DEANE S.,

Plaintiffs,

v.

SCHOOL COMMITTEE of the CITY of
MEDFORD,

Defendant.

C.A. No. 04-10610-RWZ

FILED
CLERK OF COURT
2004 OCT 18 P 1:50

U.S. DISTRICT COURT
DISTRICT OF MASS

AFFIDAVIT OF GAIL BERNSTEIN
DEFENDANT'S MOTION TO DISMISS AND/OR
FOR SUMMARY JUDGMENT

Gail Bernstein, being first duly sworn state of my personal knowledge, and/or based upon information and belief:

1. I am employed by the School Committee of the City of Medford as its Director of Special Education and have held this position since February of 1998.

2. In my capacity as Director of Special Education, I am responsible for overseeing the provision of special education services to eligible students who reside in Medford, Massachusetts, and have custody and control of and access to the files and records maintained by the Medford Public Schools concerning Anthony F.

3. I have reviewed the Medford Public Schools' records concerning Anthony F. and those records show that Anthony F. was born on March 12, 1987, that he resides with his parents in Medford, Massachusetts, and that the Medford Public Schools have and continue to provide Anthony F. with special education services.

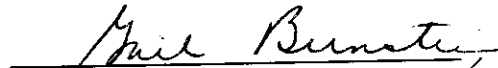
4. After rejecting the IEP for the 2001-2002 school year on, or about July 1, 2002.

Anthony's parents filed a request for an administrative hearing before the Bureau of Special Education Appeals ("BSEA") on or about January 8, 2002. That case, BSEA Docket Number 02-1855, resulted in a hearing officer decision dated November 15, 2002, which ordered Medford to provide Anthony with compensatory reading services.

5. After Medford drafted an IEP for Anthony for the 2002-2003 school year in July of 2002, Anthony's parents rejected the IEP and then filed a request for a hearing with the BSEA on or about September 23, 2002. That case, BSEA Docket Number 03-1017, was resolved through a private settlement agreement and not through any order or decision of the BSEA. The settlement was reached as a result of voluntary settlement negotiations which culminated in two written private settlement agreements.

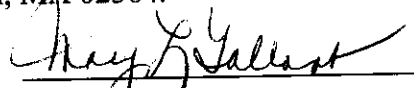
6. After signing and accepting the voluntary settlement agreements, Anthony's parents filed a request to dismiss BSEA Docket Number 03-1017 on or about July 24, 2003. None of the terms of the settlement agreements were incorporated into any order of the BSEA.

Signed under the pains and penalties of perjury this on this 14 day of October, 2004.


Gail Bernstein

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served this 14th day of October, 2004, by first-class mail, postage prepaid upon counsel for the plaintiffs, John L. Geary, Geary & Associates, 161 Summer Street, Kingston, MA 02364.


Mary L. Gallant